

## Message Text

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ORIGIN INT-05

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FM SECSTATE WASHDC

TO AMEMBASSY BONN PRIORITY

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E.O. 11652: N/A

TAGS: SENV, GW, US

SUBJECT: PROPOSED ADDITION OF CERTAIN SEA TURTLES TO U.S.  
LISTS OF THREATENED OR ENDANGERED SPECIES

REF: (A) BONN 11678, (B) STATE 155105, (C) STATE 087888  
APRIL 1974, (D) BONN 6662 APRIL 1974, (E) STATE 187 JAN.  
1974

1. FRG COMMENTS RELATIVE TO U.S. REVIEW OF THE STATUS OF  
THE GREEN SEA TURTLE (CHELONIA MYDAS) ARE HELPFUL AND  
APPRECIATED. HOWEVER, THEY REFLECT SOME CONFUSION OVER:  
(A) RELATIONSHIP OF U.S. RESPONSIBILITIES UNDER THE ENDAN-  
GERED SPECIES ACT OF 1973 AND THE CONVENTION ON INTERNATION-  
AL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA AND  
(B) TH: SUBSTANCE OF THE PENDING USG PROPOSAL.

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2. THE CURRENT PROPOSAL WOULD ADD CHELONIA MYDAS TO THE

THREATENED RATHER THAN ENDANGERED LIST. THE "THREATENED" CLASSIFICATION AUTHORIZES PROMULGATION OF SUCH REGULATIONS AS ARE "NECESSARY FOR THE CONSERVATION OF THE SPECIES." THUS, IN MOST CASES RESTRICTIONS ON UTILIZATION OF PRODUCTS DERIVED FROM THREATENED SPECIES ARE NOT AS RESTRICTIVE AS THOSE PLACED UPON SUCH UTILIZATION OF AN ENDANGERED SPECIES.

3. THE PROPOSED REGULATIONS RECOGNIZED THAT UTILIZATION OF ANIMALS DERIVED FROM CAPTIVE POPULATIONS HAS LITTLE DELETERIOUS EFFECT ON WILD POPULATIONS AND FINAL REGULATIONS, WHEN OR IF PROMULGATED, WILL TAKE THIS INTO CONSIDERATION. HOWEVER, SUCH REGULATIONS COULD INCREASE THE DEMAND FOR THE PRODUCT AND THEREBY INCREASE ENFORCEMENT PROBLEMS.

4. USG PRESENTLY IS UNAWARE OF ANY FULLY OPERATIONAL, SELF-PERPETUATING TURTLE PROPAGATION OPERATIONS. THERE ARE INSTANCES WHERE EGGS TAKEN FROM THE WILD HAVE BEEN HATCHED AND REARED IN CAPTIVITY, HOWEVER, MOST SUCH OPERATIONS CONSTITUTE A DRAIN ON THE WILD POPULATIONS (BY REMOVAL OF EGGS).

5. FRG AUTHORITIES SHOULD BE ADVISED THAT ANY USG ACTION ON THIS PROPOSAL WOULD IMPACT ONLY UPON (A) ACTIVITIES OF U.S. CITIZENS; (B) ACTIVITIES CARRIED OUT WITHIN THE AREA OF JURISDICTION OF THE U.S.; (C) TAKING OF LISTED TURTLES WITHIN THE TERRITORY OF THE U.S.; (D) IMPORTATION OF LISTED TURTLES OR OF PRODUCTS DERIVED THEREFROM INTO THE U.S. OR (E) EXPORTATION OF SUCH ITEMS FROM THE U.S.

6. USG FULLY AWARE OF THE STATUS OF GREEN SEA TURTLES VIS A VIS THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA, HOWEVER, USG WISHES TO NOTE THAT CONVENTION CAN BE FULLY EFFECTIVE IN PROVIDING NECESSARY PROTECTION ONLY WHEN LARGER NUMBER OF NATIONS HAVE RATIFIED.

7. USG SEES NO CONFLICT WITH PENDING PROPOSAL AND PARAGRAPH 5 OF ARTICLE VII PER FRG, MINISTRY OF FOOD, AGRICULTURE, AND FORESTRY COMMENT. AS NOTED IN THE PROPOSED UNCLASSIFIED

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REGULATIONS, APPROPRIATE EXCEPTIONS CAN BE MADE FOR TURTLES PRODUCED IN CAPTIVITY.

8. USG FEELS PENDING PROPOSAL TO BE IN HARMONY WITH THE INTENT AND PURPOSE OF THE CONVENTION PARTICULARLY IN VIEW OF THE WORDING OF PARAGRAPH 1(A) OF ARTICLE XIV. EMBASSY MAY WISH TO ADVISE FRG THAT ALTHOUGH THE U.S. ENDANGERED SPECIES ACT OF 1973 AND THE CONVENTION ON INTERNATIONAL

TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA ARE  
SIMILAR AND COMPATIBLE THEY ARE NOT IDENTICAL. HOWEVER,  
WE DO NOT SEE THIS TO BE AN ISSUE IN THE PROPOSED SEA  
TURTLE REGULATIONS AS THE RESTRICTIONS PLACED UPON TRADE

IN THESE SPECIES, IF THEY ARE IN FACT LISTED AS A  
THREATENED SPECIES, WOULD BE VERY SIMILAR TO THE RESTRIC-  
TIONS PLACED ON APPENDIX II SPECIES. KISSINGER

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